

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

VITALIY KURNOSKIN,

Plaintiff,

v.

REINHART TRANSPORTATION LLC, et al.,

Defendants.

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CAUSE NO. 1:14-CV-406

OPINION AND ORDER

This case was filed in this Court on December 29, 2014, based on diversity jurisdiction pursuant to 28 U.S.C. § 1332(a). (Docket # 1.) The complaint alleges that Plaintiff Vitaliy Kurnoskin is a citizen of Florida. (Compl. ¶ 1.) As to Defendants, the complaint alleges that Defendant Craig Riemersma is a citizen of Illinois and that “Defendant Reinhart Transportation, LLC, is a Wisconsin corporation with its principal place of business located at 1504 St. James Street, La Crosse, Wisconsin, 54602.” (Compl. ¶¶ 2, 3.)

But Defendant Reinhart Transportation, LLC, presents by name as a limited liability company, not a corporation. For purposes of establishing diversity jurisdiction, a limited liability company’s citizenship is different than that of a corporation. *Thomas v. Guardsmark, LLC*, 487 F.3d 531, 533 (7th Cir. 2007). Corporations “are deemed to be citizens of the state in which they are incorporated and the state in which they have their principal place of business.” *N. Trust Co. v. Bunge Corp.*, 899 F.2d 591, 594 (7th Cir. 1990); *see* 28 U.S.C. § 1332(c)(1). Conversely, a limited liability company’s citizenship “for purposes of . . . diversity jurisdiction is the citizenship of its members.” *Cosgrove v. Bartolotta*, 150 F.3d 729, 731 (7th Cir. 1998).

Therefore, if Defendant Reinhart Transportation, LLC, is a limited liability company as

its name reflects, the Court must be advised of the citizenship of all its members to ensure that none of the members share a common citizenship with Plaintiff. *Hicklin Eng'g, L.C. v. Bartell*, 439 F.3d 346, 347 (7th Cir. 2006). Moreover, citizenship must be “traced through multiple levels” for those members of Reinhart Transportation, LLC, who are a partnership or a limited liability company, as anything less can result in a dismissal or remand for want of jurisdiction. *Mut. Assignment & Indem. Co. v. Lind-Waldock & Co., LLC*, 364 F.3d 858, 861 (7th Cir. 2004).

Therefore, Plaintiff is ORDERED to file on or before January 20, 2015, an amended complaint that properly recites each party’s citizenship, tracing it through all applicable layers of ownership.

SO ORDERED.

Enter for this 5th day of January 2015.

/S/ Roger B. Cosbey
Roger B. Cosbey,
United States Magistrate Judge